

In The Matter Of:
Alabama State University
Board of Trustees Meeting

October 28, 2013

Baker Realtime Reporting and Video Services
250 Commerce Street
Third Floor, Suite One
Montgomery, Alabama 36104

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1 GOVERNOR BENTLEY: Present.
2 PRESIDENT HARRIS: Chairman Elton
3 Dean?
4 CHAIRMAN DEAN: Present.
5 PRESIDENT HARRIS: Vice Chairman
6 Wiggins?
7 VICE CHAIRMAN WIGGINS: Present.
8 PRESIDENT HARRIS: Members
9 Crutcher?
10 TRUSTEE CRUTCHER: Here.
11 PRESIDENT HARRIS: Figures?
12 TRUSTEE FIGURES: Present.
13 PRESIDENT HARRIS: Hodge?
14 TRUSTEE HODGE: Present.
15 PRESIDENT HARRIS: Junkins?
16 TRUSTEE JUNKINS: Present.
17 PRESIDENT HARRIS: Young?
18 TRUSTEE YOUNG: Present.
19 PRESIDENT HARRIS: Green?
20 TRUSTEE GREEN: Here.
21 PRESIDENT HARRIS: Baker?
22 TRUSTEE BAKER: Present.
23 PRESIDENT HARRIS: Brooks?

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1 GOVERNOR BENTLEY: I would like to
2 call this called meeting of the Alabama
3 State Board of Trustees to order.
4 And thank you.
5 I will repeat that. I'd like to call
6 this called meeting of the Alabama State
7 Board of Trustees -- Trustees meeting to
8 order.
9 I would like to first ask Trustee
10 Gilpin if he will have our invocation.
11 (Invocation given.)
12 GOVERNOR BENTLEY: Thank you. We
13 would like to now have our Pledge of
14 Allegiance, so if we will all stand.
15 Place your hand over your heart and repeat
16 after me.
17 (The Pledge of Allegiance.)
18 GOVERNOR BENTLEY: Mr. President,
19 do we have a quorum?
20 PRESIDENT HARRIS: We do,
21 Mr. President. But for the record, I will
22 call the roll.
23 Governor Robert Bentley?

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1 TRUSTEE BROOKS: Present.
2 PRESIDENT HARRIS: Gilpin?
3 TRUSTEE GILPIN: Present.
4 PRESIDENT HARRIS: Thornton?
5 TRUSTEE THORNTON: Here.
6 PRESIDENT HARRIS: We have full
7 attendance, sir.
8 GOVERNOR: Okay.
9 PRESIDENT HARRIS: We have a
10 quorum.
11 GOVERNOR BENTLEY: Okay. Thank
12 you, sir.
13 Before we have an adoption of the
14 agenda today, it has been brought to my
15 attention that there are other items that
16 wish to be added to this agenda, and --
17 one of which is a report from our
18 president, and I think that is certainly
19 appropriate; one of which is a report from
20 our chairman of our search committee for
21 our new president. And I certainly --
22 since we're going to discuss that, I
23 certainly think that is also appropriate.

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1 And before we adopt that, then I -- I
2 certainly would take that as a motion as
3 -- as we begin the adoption of the agenda
4 today.
5 UNIDENTIFIED SPEAKER: We've got to
6 approve the agenda with the amendments?
7 GOVERNOR BENTLEY: Yes.
8 UNIDENTIFIED SPEAKER: My motion
9 was to approve the agenda with the
10 amendments.
11 (Inaudible.)
12 GOVERNOR BENTLEY: All right, sir.
13 TRUSTEE CRUTCHER: My question
14 is --
15 UNIDENTIFIED SPEAKER: Is your mic
16 on?
17 GOVERNOR BENTLEY: Your mic's not
18 on, sir, I don't think.
19 TRUSTEE CRUTCHER: I'm sorry.
20 Sorry, Governor.
21 GOVERNOR BENTLEY: That's all
22 right.
23 TRUSTEE CRUTCHER: My question is

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1 on Item No. 7, one discussion of the
2 Eleventh Circuit opinion. And I'm
3 certainly not ready to discuss that in
4 open session, and I would like for that to
5 be redacted from this agenda.
6 UNIDENTIFIED SPEAKER: Second.
7 GOVERNOR BENTLEY: Okay. We have
8 a -- a -- a motion and a second to redact
9 that from our agenda today.
10 Is there other discussion on that?
11 Yes, sir.
12 UNIDENTIFIED SPEAKER: What is the
13 basis of the request (inaudible)?
14 TRUSTEE CRUTCHER: It's pending
15 litigation, Trustee, and it could
16 eventually end up with litigation on all
17 of us if there is any item that refers to
18 individuals.
19 And that's the basis of my motion.
20 GOVERNOR BENTLEY: Any other
21 discussion on that?
22 VICE CHAIRMAN WIGGINS: I do,
23 Mr. Governor.

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1 I would -- in light of us amending the
2 agenda to accommodate those issues, I
3 would like to offer a motion to substitute
4 the agenda for the agenda that was
5 prepared by the chairman and the
6 president.
7 GOVERNOR BENTLEY: Well, I have not
8 seen that agenda.
9 UNIDENTIFIED SPEAKER: Mic, please.
10 VICE CHAIRMAN WIGGINS: In light of
11 the items that have been amended to the
12 agenda, in reference to the president's
13 report and a report from the presidential
14 search committee, I would like to offer an
15 agenda prepared by the president and
16 prepared by the chairman according to the
17 bylaws of this board.
18 GOVERNOR BENTLEY: Has everyone on
19 the board seen the report from the
20 Eleventh Circuit and read it thoroughly?
21 VICE CHAIRMAN WIGGINS: I think --
22 Mr. Chairman, I think there's a motion on
23 the floor. Do we need to go --

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1 GOVERNOR BENTLEY: All right. Wait
2 a minute. I'm chairing the meeting. All
3 right?
4 Has everyone on this board seen that
5 report and studied it thoroughly?
6 VICE CHAIRMAN WIGGINS: Just for a
7 point of order, I think we have to carry
8 the motion before we can get it for
9 discussion.
10 UNIDENTIFIED SPEAKER: A second
11 point of order, there's been no second to
12 that motion --
13 VICE CHAIRMAN WIGGINS: Yes, sir.
14 UNIDENTIFIED SPEAKER: -- on the
15 floor.
16 VICE CHAIRMAN WIGGINS: Yes, sir.
17 GOVERNOR BENTLEY: Okay.
18 UNIDENTIFIED SPEAKER: May I
19 inquire of the chair as to what definition
20 you are according to the word "report"?
21 GOVERNOR BENTLEY: The report by
22 the Eleventh Circuit on the appeal that --
23 UNIDENTIFIED SPEAKER: You mean the

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1 opinion of the Eleventh Circuit?
2 GOVERNOR BENTLEY: Yes, sir.
3 Well, if -- what I would like to do
4 is, if we remove this item, I want to pass
5 out to everyone in this room a copy of
6 that report. And I'm just asking you to
7 read that report thoroughly and carefully
8 and prayerfully to see how it has affected
9 this university.
10 So I will allow that if -- if we can
11 pass the report out and every member of
12 the board take it with them and study it
13 very carefully. And we also -- it's --
14 it's already public knowledge. The -- the
15 press should have a copy of it. If not,
16 we will furnish a copy to the press. And
17 I -- and I want you to read very carefully
18 what is in this report.
19 UNIDENTIFIED SPEAKER: I will make
20 the copies available, sir.
21 GOVERNOR BENTLEY: Well, we have
22 the copies.
23 TRUSTEE BAKER: Let me ask you a

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1 question.
2 GOVERNOR BENTLEY: Yes, sir.
3 TRUSTEE BAKER: This report that
4 you're going to pass out, is it a complete
5 report from the Eleventh Circuit?
6 GOVERNOR BENTLEY: It's the final
7 report from the Eleventh Circuit. The
8 only thing that's pending in this is -- is
9 not -- it's -- the report -- the appeal
10 made by the university on the original
11 issue. And all this is, is the final
12 report from the Eleventh Circuit. The
13 only thing that is missing on this is the
14 legal fees.
15 TRUSTEE BAKER: Okay. Thank you.
16 GOVERNOR BENTLEY: But if -- if the
17 board will allow us just to pass out the
18 report and give it to each member of the
19 board and then you, on your own, will
20 study it and look at all of what is
21 written in this report, then I will agree
22 to accept all of these and we can come to
23 the right agenda.

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1 (Video interruption)
2 UNIDENTIFIED SPEAKER:
3 Mr. President, I agree with receiving the
4 report. I object to it being given to the
5 press.
6 GOVERNOR BENTLEY: The press
7 already has it.
8 UNIDENTIFIED SPEAKER: If it is in
9 the public domain (inaudible) Freedom of
10 Information or whatever, I think they
11 should already have that or can obtain it.
12 But for the purpose of today, I think if
13 we just make whatever you pass out to the
14 board members . . .
15 Also, because we do have a motion on
16 the floor -- on the table -- and has not
17 had the opportunity to second that motion,
18 I would like to second that motion to
19 substitute the agenda.
20 GOVERNOR BENTLEY: Okay. All
21 right. So the -- it has been -- it has
22 been moved and seconded that this agenda
23 be adopted.

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1 UNIDENTIFIED SPEAKER: The
2 substitute.
3 GOVERNOR BENTLEY: The substitute
4 amendment, the substitute agenda has been
5 adopted.
6 PRESIDENT HARRIS: I think if we
7 pass out -- let everybody have an
8 opportunity to look at it, but that's my
9 second, and then I think --
10 GOVERNOR BENTLEY: Would you amend
11 your motion to allow us, then, to just
12 pass it out to all members.
13 TRUSTEE GILPIN: Point of
14 clarification: I made a motion to approve
15 the agenda that was seconded by Mr.
16 Thornton. And then there was an amendment
17 proposed to the agenda. And I don't know;
18 was it seconded, Madame Secretary? No,
19 no. There was a motion to substitute.
20 Before that, there was a motion to --
21 GOVERNOR BENTLEY: Okay. Let's
22 vote on the first motion first.
23 MR. GILPIN: I would call to

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1 question on the motion to adopt the --
2 GOVERNOR BENTLEY: Original
3 amendment?
4 MR. GILPIN: The original.
5 GOVERNOR BENTLEY: Okay.
6 VICE CHAIRMAN WIGGINS: Point of
7 order, there was a substitute motion, a
8 substitute motion that took prerogative
9 over your motion.
10 MR. GILPIN: With consent of the
11 moving party.
12 GOVERNOR BENTLEY: Well, what we do
13 is vote on this motion, and then we'll
14 take the substitute motion. Okay. Okay.
15 All right. All in favor of this
16 original motion to accept the original
17 agenda, let it be known by saying aye.
18 (Board members in favor of the
19 motion so indicated.)
20 GOVERNOR BENTLEY: All opposed?
21 (Board members opposed to the
22 motion so indicated.)
23 GOVERNOR BENTLEY: Okay. Then the

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1 opposition has it. Okay?
2 So then now -- now we can take a
3 substitute motion.
4 UNIDENTIFIED SPEAKER: I make a
5 motion that we would stop the -- the
6 amended agenda that's been circulated.
7 UNIDENTIFIED SPEAKER: Second.
8 GOVERNOR BENTLEY: Okay.
9 (Inaudible.)
10 GOVERNOR BENTLEY: Same thing we
11 agreed to, but we're going to pass out the
12 material. Okay. All right.
13 (Inaudible.)
14 TRUSTEE CRUTCHER: The motion that
15 we're going to vote on at this time, I
16 wasn't -- I wanted to redact the --
17 UNIDENTIFIED SPEAKER: It's not on
18 there. It's not on there.
19 (Simultaneous speaking.)
20 UNIDENTIFIED SPEAKER: It's been
21 passed. We've gotten this passed.
22 GOVERNOR BENTLEY: We're taking
23 that off.

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1 UNIDENTIFIED SPEAKER: Yeah, it's
2 off.
3 GOVERNOR BENTLEY: Now, on the new
4 motion, it's off. On the new motion, it's
5 off, except we're going to pass it out.
6 VICE CHAIRMAN WIGGINS: Just for a
7 point of order, I think university counsel
8 has circulated that opinion to all
9 trustees.
10 GOVERNOR BENTLEY: Well, we're
11 going to circulate it again today.
12 VICE CHAIRMAN WIGGINS: All right.
13 (Simultaneous speaking.)
14 GOVERNOR BENTLEY: You can hand it
15 out.
16 UNIDENTIFIED SPEAKER: But we
17 haven't carried this note on this one yet.
18 GOVERNOR BENTLEY: Now, we need to
19 vote on the -- we need to vote on this
20 substitute agenda today, for the adoption.
21 So we have a motion and a second to
22 adopt the substitute agenda.
23 All right. Do we have a motion?

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1 UNIDENTIFIED SPEAKER: Yes, sir.
2 (Simultaneous speaking.)
3 GOVERNOR BENTLEY: And a second?
4 Okay. All right. All in favor let it be
5 known by --
6 UNIDENTIFIED SPEAKER: Can we have
7 discussion on that, Governor?
8 GOVERNOR BENTLEY: We can have a
9 discussion.
10 UNIDENTIFIED SPEAKER: When was
11 this agenda prepared? I just got it.
12 UNIDENTIFIED SPEAKER: The agenda
13 was prepared shortly after noon today.
14 UNIDENTIFIED SPEAKER: Okay.
15 And for the record, was placed in our
16 hands at this meeting today?
17 UNIDENTIFIED SPEAKER: Right.
18 Do we agree with that?
19 UNIDENTIFIED SPEAKER: Yes.
20 GOVERNOR BENTLEY: Any other
21 discussion?
22 (No response.)
23 GOVERNOR BENTLEY: All in favor,

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1 let it be known by saying aye.
2 (Board members in favor of the
3 motion so indicated.)
4 GOVERNOR BENTLEY: Any opposed?
5 MR. GILPIN: Opposed.
6 GOVERNOR BENTLEY: Okay. You want
7 a roll call on that?
8 UNIDENTIFIED SPEAKER: No, sir. It
9 was clear, at least from my point.
10 GOVERNOR BENTLEY: All right. So
11 the new agenda will begin with the
12 president's report.
13 UNIDENTIFIED SPEAKER: I'll have
14 copies for others.
15 PRESIDENT HARRIS: Thank you,
16 Mr. President.
17 I wanted to spend the burden of my
18 comments on the preliminary report by
19 Forensic Strategic Solutions that resulted
20 from the request of Governor Bentley to
21 conduct a forensic audit of certain
22 allocations by former president Joseph
23 Silver of activities at Alabama State

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1 University.
2 The university participated openly and
3 timely in that review. I want to comment
4 directly on two points; namely, that
5 there's nothing in the preliminary report
6 that suggests that any administrator took
7 a penny of money or that there was any
8 misuse of financial aid funds as alleged.
9 And point of fact, the United States
10 Department of Justice has with the full
11 participation of ASU arrested at least one
12 person who hacked our system, that person
13 has pled guilty and is now awaiting
14 sentence.
15 Though it would have been most helpful
16 to us if we had seen the preliminary
17 results before they were published, as is
18 common in audit reviews, and thus had the
19 opportunity to respond to several
20 allegations and areas of fact, we would
21 have had a response earlier, a responsive
22 report earlier. And in any event, we did
23 engage in that activity as soon as the

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1 report reached the campus, that activity
2 being a review and report.
3 I asked the university counsel to
4 conduct a thorough review of each and
5 every issue raised in the preliminary
6 report and to prepare appropriate
7 documentation to sustain or question each
8 item so that we could take actions and
9 make improvements where appropriate.
10 Former U.S. District Judge U.W. Clemon led
11 in preparing a report, which is currently
12 underway and will be presented publicly
13 upon its completion.
14 Though the report is currently under
15 review, I have asked Judge Clemon to come
16 today to present a brief synopsis of the
17 findings to date. We will have more to
18 report to the board for any action as the
19 review evolves.
20 I ask leave for him to speak briefly,
21 sir.
22 GOVERNOR BENTLEY: Mr. President,
23 this is a board of trustee meeting.

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1 PRESIDENT HARRIS: Yes, sir.
2 GOVERNOR BENTLEY: And I did not
3 come to listen to attorneys. Let me say
4 why we called this meeting. We called
5 this meeting today to show our desire not
6 to take over this process of searching for
7 a new president. That is not our desire.
8 I've got to run a state. I'm not
9 interested in running ASU, but I did come
10 today to support the students of this
11 campus.
12 I also came today to support this
13 great faculty that we have here and to
14 support the staff that works here. I also
15 came today to support the taxpayers of
16 this state who give their money to support
17 this university and to support the
18 students who pay their tuition every year.
19 So that's why I came today. That's why I
20 called this meeting. I did not ask for
21 this job. All right? I did not ask to be
22 a part of this process, but no one else
23 can do that other than the governor. I'm

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1 the president of the board of trustees at
2 this university, and I'm also the chief
3 magistrate of the state of Alabama, and I
4 have to make sure that the people in this
5 state are protected. So that's why I came
6 today.
7 The other thing that I came for was to
8 challenge you as board members. That's
9 why I came. I want to challenge you as
10 board members to take your fiduciary
11 responsibility seriously and make sure
12 that the money that is spent here at this
13 university is spent correctly. Now, we
14 have some real problems. Now, I didn't
15 come to listen to an attorney talk about
16 all of this. That's not the reason I'm
17 here. I will say this. The FSS report is
18 a serious report. It is serious because
19 it makes some serious allegations not only
20 against people who work here, but it makes
21 serious allegations about the governance
22 of this university. And this is what we
23 need to address.

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1 it has cost us a tremendous amount of
2 money because of the fact that we have
3 been stonewalled. Now, I can tell you
4 that there are some things in this report
5 that I am going to talk about right now
6 before we -- and I'm not too sure I'm
7 going to allow that. Okay?
8 VICE CHAIRMAN WIGGINS: I may want
9 to hear it, as a trustee, from the
10 attorney as it relates to the report. I
11 think I would have a right to ask the
12 attorney to speak on what I wanted to hear
13 about the report.
14 GOVERNOR BENTLEY: You may in a
15 minute. All right? You may in a minute.
16 But let me say this --
17 TRUSTEE CRUTCHER: I have one point
18 of issue.
19 GOVERNOR BENTLEY: All right, sir.
20 TRUSTEE CRUTCHER: I have been on
21 this board for 15 years, probably the
22 longest person on this board. I've seen
23 things happen, good and bad, and I've

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1 And what I want to see is, I want to
2 see the board of trustees take their
3 responsibility seriously. And I want to
4 make sure that you do your job. And any
5 board of trustee member that feels like
6 they cannot take their fair fiduciary
7 responsibility seriously, I would like for
8 them to respectfully write me a letter and
9 resign from this board and let me find
10 board members who will do that. Okay?
11 Because I have the authority to do that.
12 I have not exerted the authority as
13 governor that I truly have. I have
14 allowed a process to take place as we have
15 transpired here with this FSS report,
16 which is a forensic report. This is not
17 an auditing firm. A forensic audit is
18 different from a regular audit. I have
19 allowed the process to take place.
20 Instead of this board and this
21 university allowing us to try to get to
22 the bottom of the situation, what has
23 happened is we have been stonewalled, and

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1 tried to straighten out those bad things.
2 And I aim to continue if I stay on this
3 board, aim to continue just that.
4 GOVERNOR BENTLEY: Good.
5 TRUSTEE CRUTCHER: Now, the
6 thing -- I can't say anything about the
7 other board members. But I take a real
8 jump at the stab that you made at me as an
9 individual board member that I don't take
10 this job seriously. I take this job very
11 seriously, sir.
12 GOVERNOR BENTLEY: All right.
13 Okay.
14 TRUSTEE CRUTCHER: I don't have to
15 (inaudible) and that's all I've got to
16 say.
17 GOVERNOR BENTLEY: Okay. And I
18 take that as that what I said, you take
19 very seriously, and I appreciate that.
20 And that's what I want everyone to do.
21 Trustee, that's what -- I want everyone to
22 take it seriously. But you have all had a
23 chance to read this report --

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1 TRUSTEE YOUNG: Governor, I just
2 have one thing I need to say about this
3 particular issue in the report itself, and
4 I take offense to what you said about the
5 board and the seriousness and the
6 stonewalling by the board. As a board
7 member, I have no stonewalling in me as
8 far as what the reports are done. But
9 what I do take offense to is report that
10 was held since September 20th and given to
11 the press before I found out about it. I
12 took real offense to that. I felt that
13 you basically did something to this board;
14 you released something to the press that
15 said private and confidential. I get
16 phone calls from media people and things
17 like other people calling about something
18 in the press I knew nothing about. Go to
19 the Internet and there it is.
20 Twelve-thirty, I receive an e-mail from
21 your office. You had a press conference
22 at nine-thirty. I felt that is offensive
23 to us as board members. I felt offended

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1 How can you go forward with anything
2 against this Board based on something that
3 has not been substantiated? That's my
4 problem. And then the other thing, too,
5 is that the governor of this state has
6 said that he wants to look out for the
7 faculty, the students, staff, the
8 university. Obviously, you know, I would
9 think that -- I'm going to refer to the
10 governor, since you're the president of
11 this board, you're sitting at this table
12 with us, you're a trustee also, that --
13 that he would not want to do harm to this
14 university by prematurely releasing
15 something that wasn't best and complete,
16 which has had negative effects on that
17 university, both within our financial
18 system as well as it does threaten our
19 academic standings, because our academic
20 association is looking at us -- as far as
21 I know, our bond rating has dropped --
22 based on a preliminary update with no
23 substantiation.

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1 by that. I felt that you did something to
2 us where you're saying stonewalling on one
3 hand; you, on the other hand, did
4 something just as bad.
5 GOVERNOR BENTLEY: Well, what we
6 have done -- and we have spoken with your
7 attorneys, and they knew beforehand the
8 basis of this report. And I'm not saying
9 that the board --
10 TRUSTEE YOUNG: But, Governor, you
11 are a board member as well.
12 GOVERNOR BENTLEY: That's --
13 TRUSTEE YOUNG: So you should have
14 released it to the board before you
15 even -- administration is one piece. We
16 are all board members.
17 GOVERNOR BENTLEY: Well, we're
18 going to discuss this report, sir. Okay?
19 TRUSTEE HODGE: Mr. President, I
20 think I have one problem with this.
21 Everything seems to binge on this report,
22 which is overtly stamped as a preliminary
23 update, and it does not have any finality.

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1 Personally, as a board member, I would
2 love to hear the rest of the president's
3 report even if it is (inaudible) to a
4 report by the attorney that was retained
5 by this board. As far as stonewalling is
6 concerned, I'm sure, Mr. Governor, there
7 was an agreement as to how information
8 would be transmitted to FSS. If there was
9 a violation of that agreement, it was on
10 the point on the side of FSS. I don't
11 know if you know that for a fact. And I
12 think if you listen to Mr. Clemon here,
13 you will find what the position of the
14 university is. The only thing we have
15 heard as the public -- and, basically, I
16 live in Mobile, you know. Most --
17 (Videotape interrupted.)
18 GOVERNOR BENTLEY: All right. Do
19 you want me to read the dates that -- that
20 they denied? Do -- do we need to do that?
21 UNIDENTIFIED SPEAKER: If you can
22 do it, Governor, and read the complete
23 record.

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1 UNIDENTIFIED SPEAKER: Who they
2 say --
3 UNIDENTIFIED SPEAKER: Governor,
4 you're being provided only portions of the
5 record. I worked on this a long time.
6 You're only being provided -- look at the
7 entire file (inaudible). That's all I
8 ask.
9 TRUSTEE GILPIN: And I renew my
10 request that the board of trustees receive
11 that same information.
12 GOVERNOR BENTLEY: Yes.
13 TRUSTEE GILPIN: Okay. And that --
14 that spreadsheet should be available. I'd
15 request it be made available to the board
16 of trustees in the next 30 days.
17 PRESIDENT HARRIS: Mr. Gilpin,
18 there are two -- let me make sure I
19 understand what you're asking for. You
20 can -- we can give you a spreadsheet, and
21 we can probably do it in much less than 30
22 days. But if you want to see the -- the
23 full backup deliverable to documentation,

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1 that's a very different matter.
2 TRUSTEE GILPIN: No, President
3 Harris. I'm not -- I'm not interested in
4 the full backup. I just think --
5 PRESIDENT HARRIS: All right.
6 TRUSTEE GILPIN: -- there is --
7 there should be a list that lists the
8 requests, it lists the date that it was
9 provided to Judge Clemon, it lists the
10 date that Judge Clemon provided it to the
11 investigators, whoever they are.
12 CHAIRMAN DEAN: We can do that.
13 TRUSTEE GILPIN: And I think if we
14 can do that, that clears this issue up.
15 And then, Mr. Knight, you don't have to
16 argue with David or anybody else because
17 the board of trustees will have that in
18 front of us and we'll know -- I'm sorry?
19 UNIDENTIFIED SPEAKER: (Inaudible.)
20 TRUSTEE GILPIN: No, they're not.
21 UNIDENTIFIED SPEAKER: Yes, they
22 are. Yeah, they are.
23 TRUSTEE GILPIN: What (inaudible)

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1 are you talking about?
2 UNIDENTIFIED SPEAKER: One is --
3 one is --
4 TRUSTEE GILPIN: We're saying that
5 it was delivered and it was delivered. If
6 we had a list that said it was delivered,
7 it would have been on the list delivered.
8 GOVERNOR BENTLEY: Well, let's -- I
9 tell you, let's -- let's -- let's move on
10 to our -- our second issue.
11 CHAIRMAN DEAN: Can I -- can I take
12 a chairman's privilege --
13 GOVERNOR BENTLEY: Yes, sir.
14 CHAIRMAN DEAN: -- please, sir?
15 GOVERNOR BENTLEY: You can.
16 CHAIRMAN DEAN: I want to
17 personally take a chairman's privilege.
18 Sure, we didn't get the order in time that
19 we thought we were going to get it, and we
20 all recognize as a board that there's some
21 problems in that audit. There are
22 problems in a lot of audit. But where I
23 come from, you establish what your root

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1 cause is of your problem and you put in --
2 you implement corrective action. And
3 that's what this board wants to do.
4 Now, I'm very proud of the members
5 that we have on this board. Governor, I
6 think you probably appointed five of us.
7 With going through this here, I don't
8 think I want to do that whole term that
9 you gave me, so -- but, anyway. I didn't
10 bargain for it. And I'm sure that these
11 new guys that we got on the board, we have
12 had a lot of transparency, but maybe not
13 the transparency that you have been used
14 to. There's a lot of things that I don't
15 want to know, because when you cross that
16 line into administration, there's SACS
17 looking at you over your head. And some
18 things you think you might want to know, I
19 don't think you want to know. But things
20 like these issues here, we ought to know a
21 lot of things that we haven't known in the
22 past. And it's incumbent upon this
23 board -- and I think we've talked about

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1 it -- we are going to be -- we are
2 responsible and we're going to be more
3 responsible because we don't want this
4 halo, this cloud, hanging over our head of
5 the board of trustees at University.
6 When you talk about caring about the
7 students and the faculty, you know, before
8 this board got together, you know, the
9 students were not allowed to be around the
10 table in committees, faculty was not
11 allowed to be around the table in
12 committees, nonacademic staff was not
13 allowed to be around the table of
14 committees, nor this board. But this
15 board decided that we want some
16 transparency, we want people to have a
17 voice. The students are our stakeholders;
18 the faculty, your staff, are our
19 stakeholders. We care about everybody at
20 this university.
21 Now, people come in a few moments and
22 think they got all the answers in the
23 past, and it's caused us all these

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1 problems that we're encountering now. We
2 did not bargain for this. We want to make
3 sure that Alabama State stays a viable
4 university.
5 There's a lot of things, Governor, you
6 and everybody in the state of Alabama
7 ought to be proud of this historical black
8 institute, because we're number one in a
9 lot of things. And people, the media,
10 they get on -- they talk about all the
11 negative, but they don't come over here
12 and talk about all the positive things
13 that we do, and they continue to do that.
14 Now, they can say what they want to say
15 about me, but this university is a
16 university that everyone -- every
17 Alabamian can be proud of. There's so
18 many great things that are going on. And
19 I would like to see your staff and all the
20 trustees and everybody that's been -- just
21 everybody say, Hey, Alabama State is a
22 great university doing certain things.
23 There's some problems. Everybody got a

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1 cancer cell in them some kind of way, and
2 we all want to be cured. And that's what
3 we're going to do. We're going to fix
4 this thing. Whatever the problem is, we
5 are going to fix it, but we've got to fix
6 it as a team. And we need your help, we
7 need your staff's help, to help us along
8 the way. We've got to get past this.
9 GOVERNOR BENTLEY: We do.
10 CHAIRMAN DEAN: Okay. So that's
11 what I wanted to say. And --
12 GOVERNOR BENTLEY: All right. But
13 let me say -- yes, sir.
14 UNIDENTIFIED SPEAKER: (Inaudible.)
15 GOVERNOR BENTLEY: Yeah. I would
16 like to say one other thing, though.
17 There is a group that I would like to give
18 them a voice today -- and we're going to
19 pass this out to everyone -- and that is
20 our faculty senate. And our faculty
21 senate delivered to me Friday afternoon
22 late a letter of no confidence in the
23 current board of trustees and the

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1 president of Alabama State University.
2 They did say in the final paragraph that
3 we look forward to working with you and
4 all stakeholders in maintaining the
5 integrity and academic excellence of this
6 great institution. Without question, ASU
7 is worth it.
8 VICE CHAIRMAN WIGGINS:
9 Mr. Governor, point of order, I think we
10 said in the agenda it's a thing that we'd
11 discuss on the agenda. I think it's very
12 inappropriate for us to interject stuff
13 that's not on the agenda. And if you want
14 to talk about what the faculty senate
15 said, I think that should be addressed at
16 another time. But to interject --
17 GOVERNOR BENTLEY: Well, I just
18 injected.
19 VICE CHAIRMAN WIGGINS: I mean, I
20 have no problem with that, but I think
21 it's inappropriate.
22 UNIDENTIFIED SPEAKER:
23 Mr. President?

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1 GOVERNOR BENTLEY: Yes, sir?
2 UNIDENTIFIED SPEAKER: Just one
3 question, one quick question on that. In
4 that letter -- you don't have to read it,
5 but did they -- they voted on (inaudible)
6 confidence for the board and president,
7 whatever, did they give reasons, a
8 substantial reason?
9 VICE CHAIRMAN WIGGINS: Yeah. Read
10 the letter. It's got a lot in there.
11 (Simultaneous speaking)
12 VICE CHAIRMAN WIGGINS: I'm just
13 saying.
14 GOVERNOR BENTLEY: Yeah. Just --
15 we get -- we're just going to give you the
16 letter. That's all we're going to do.
17 We're not going to comment on it anymore.
18 We're just going to give you the letter.
19 TRUSTEE BAKER: Okay. Thank you.
20 Thank you.
21 UNIDENTIFIED SPEAKER:
22 Mr. Governor, before you go on, I wanted
23 to tack on to what (inaudible) saying in

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1 terms of what (inaudible) -- what we're
2 all --
3 GOVERNOR BENTLEY: Turn your -- is
4 your mic on, sir?
5 UNIDENTIFIED SPEAKER: It's on now.
6 GOVERNOR BENTLEY: Okay.
7 UNIDENTIFIED SPEAKER: In terms of
8 what we're all bargaining for in terms of
9 getting on the board, in the short period
10 of time that I've been on the board, I've
11 had an opportunity to visit with every
12 dean on campus, every school and college
13 representative accompanied by SGA and
14 ambassador leadership. And I think all of
15 us, if you could have been a part of some
16 those visits, (inaudible) proud of the
17 wonderful things that we have going on
18 here at the school.
19 Having said that, we don't want to see
20 anything happen to that. I think you have
21 a pretty good sense as to what we've
22 (inaudible), but I was so impressed with
23 how engaged the deans are, of how engaged

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1 and articulate our students are. It was a
2 three-day exercise and I'm telling you, we
3 would be proud. I wished that today we
4 were here talking about corrective
5 actions.
6 UNIDENTIFIED SPEAKER: Right.
7 UNIDENTIFIED SPEAKER: I wish today
8 we were talking about an entity that could
9 clarify what is ethical and what is not
10 ethical, that we have an up or down
11 committee (video interruption) resources,
12 the governor's office, or a combination,
13 but it would simplify a lot of these
14 issues so that we wouldn't be in this
15 place; it would be simple to vote and then
16 clarification.
17 So I wanted to kind of throw that out.
18 Let's don't lose sight of the real
19 reason --
20 UNIDENTIFIED SPEAKER: Right.
21 UNIDENTIFIED SPEAKER: -- that we
22 are here. And what I bargained for when I
23 agreed with your appointment, Governor,

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1 was to come over and be a part of the
2 student body, to be a part of the
3 leadership. And I'm telling you, we have
4 so much to be proud of. And I just want
5 to state that for the record.
6 GOVERNOR BENTLEY: And I appreciate
7 that. And we actually -- this is a great
8 university, and there are so many good
9 things that are going on here at this --
10 this university. And it's not only great
11 for the state, it's great for the
12 community and our students and great
13 faculty. I agree with that. And we've
14 got to get past this, and -- and I think
15 that we will (video interruption).
16 We'll -- and that's why I'm asking the
17 board to -- to do -- to do your job. Like
18 I say, I'm not trying to pick a president,
19 even though I want the best president we
20 can find anywhere. But -- so having said
21 that, let's leave --
22 PRESIDENT HARRIS: Well, Governor,
23 you've raised something that needs to be

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1 made sure is clear, and that is that what
2 was passed last week, which I knew nothing
3 about, was not passed by the faculty
4 senate. It was passed by a small group
5 that calls itself the executive committee
6 of the faculty senate.
7 UNIDENTIFIED SPEAKER: Right.
8 PRESIDENT HARRIS: And that ought
9 to be clear. It's a very, very different
10 thing. Now, you -- you don't -- don't
11 want to talk about it, but the matter --
12 fact of the matter is that what we have
13 done to change this university is
14 something that I will take second to
15 nobody about. I've heard a lot of talk
16 about we want us a strong president and a
17 president who's a scholar. I'm beginning
18 to get weary of that because of my own
19 involvement with life and my own
20 scholarship. It needs to be looked into
21 if you're going to raise those kinds of
22 issues, because I think you'll raise your
23 standards rather high. But we can't call

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1 this a faculty senate decision. It was
2 not. It was an act by something called
3 the executive committee, and what that is,
4 I don't know. But that needs to be clear.
5 GOVERNOR BENTLEY: Dr. Harris, and
6 I appreciate -- and I appreciate what you
7 do and I appreciate you coming back and
8 doing what you're doing.
9 PRESIDENT HARRIS: I don't.
10 GOVERNOR BENTLEY: I know you
11 don't. The only thing I can go by,
12 Dr. Harris, is the signature that I have,
13 and it was signed faculty senate. So
14 that's -- that's all --
15 PRESIDENT HARRIS: Look at --
16 GOVERNOR BENTLEY: -- I can go by.
17 PRESIDENT HARRIS: -- the top page,
18 Governor. No, it's the next one, page,
19 the one that's under your agenda. Just
20 remove your agenda. That's where the
21 document is right there. That's the
22 documentation. It says executive
23 committee.

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1 GOVERNOR BENTLEY: Yeah. Okay.
2 Yeah. It was a representative by --
3 you're right. You're right,
4 Mr. President. Okay. Let's -- yes, sir.
5 UNIDENTIFIED SPEAKER: Is it fair
6 to conclude that any action that the U.S.
7 attorney's office or other investigative
8 agencies may consider taking or at least
9 suspended pending the completion of their
10 (inaudible)?
11 GOVERNOR BENTLEY: Is your mic on?
12 I'm sorry.
13 UNIDENTIFIED SPEAKER: Is it fair
14 to conclude that any action that the U.S.
15 attorney's office or any other
16 investigative agencies may be considering
17 will be suspended pending the completion
18 of the FSS report?
19 GOVERNOR BENTLEY: No, sir. I
20 don't have anything to do with what the
21 department of justice or -- or the federal
22 government is doing. I don't have
23 anything to do with what the attorney

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1 general may be doing. That's -- they --
2 they -- they will reach their own
3 conclusions, they'll make their own
4 investigations. And whether or not they
5 continue to use this firm, I don't know.
6 I don't know.
7 UNIDENTIFIED SPEAKER: Governor,
8 may I ask one question, please, sir?
9 GOVERNOR BENTLEY: Yes, sir.
10 PRESIDENT HARRIS: One of the
11 things that we need to make sure that we
12 can continue the operations effectively is
13 an unqualified audit. We won't get an
14 unqualified audit until such time that we
15 have some sense as to when the (inaudible)
16 on your behalf by FSS will be completed.
17 Is there any -- any -- any guidance you
18 can give us to when we can expect that?
19 GOVERNOR BENTLEY: I think that we
20 can make a decision on that very soon so
21 that we can get some clearance from an
22 audit firm. I agree with you, we need
23 that for this university. It is

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1 imperative that we have a -- a
2 clear (video interruption) looking at just
3 the numbers, and that's what an auditing
4 team does. And that would help the
5 university. And we can -- we can come to
6 that conclusion, I think, very quickly and
7 to try to help the university get past
8 this stage so that we can -- we can get
9 some type of clear audit or an audit
10 looking just at the numbers. And that's
11 what Warren Averett does.
12 PRESIDENT HARRIS: That's all we
13 want.
14 GOVERNOR BENTLEY: And so we will
15 see. And -- and I -- I promise you that I
16 will -- I will help you make that -- help
17 you make a decision. I will make the
18 decision soon and give you an answer on it
19 very soon so that (video interruption).
20 PRESIDENT HARRIS: I appreciate
21 that, sir.
22 GOVERNOR BENTLEY: All right. Yes,
23 sir.

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1 (Video interruption.)
2 MR. BYRNE: Without subpoena power,
3 we don't. We cannot control what the
4 attorney general of the State of Alabama
5 may or may not do, or certainly the United
6 States Department of Justice. Those are
7 independent. But with regard to the
8 problems that have existed, part of it is
9 the fact that we can't, for instance, get
10 Loreck's checking records or check
11 records. We cannot get certain persons
12 that may have been a contract provider
13 through the center, their check records.
14 And so to some extent, it's difficult.
15 And this investigation is done based upon
16 U.W. Clemon setting out a procedure, and
17 that was the way it would be, regardless.
18 And, secondly, without subpoena power, you
19 are crippled.
20 UNIDENTIFIED SPEAKER: Mr. Byrne --
21 MR. BYRNE: May I finish first?
22 UNIDENTIFIED SPEAKER: Yes, sir.
23 I'm sorry. I thought you were done.

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1 MR. BYRNE: No, sir.
2 UNIDENTIFIED SPEAKER: Okay.
3 MR. BYRNE: Without that power to
4 be able to get records and without the
5 ability to confront witnesses, it's
6 rendered difficult.
7 Yes, sir?
8 UNIDENTIFIED SPEAKER: I just
9 wanted to ask, David, are you suggesting
10 that, because of the university, you can't
11 get her records? Is that an impediment
12 that the university has placed?
13 MR. BYRNE: No.
14 GOVERNOR BENTLEY: No. No. No.
15 MR. BYRNE: We do not have subpoena
16 power.
17 UNIDENTIFIED SPEAKER: Okay. But
18 in the context of this, it seems that the
19 inference is that if -- that we have
20 some -- some records that we could give
21 you if they were subpoenaed, but not
22 without subpoena. That's not the
23 implication?

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1 MR. BYRNE: No.
2 UNIDENTIFIED SPEAKER: Okay. I
3 just want to make sure --
4 (Simultaneous speaking.)
5 MR. BYRNE: The issue there is
6 those records are not the university's.
7 UNIDENTIFIED SPEAKER: No. We
8 don't have any control.
9 MR. BYRNE: They are Mrs. Carol
10 Jacobs' records or --
11 UNIDENTIFIED SPEAKER: That's
12 right.
13 MR. BYRNE: -- Loreck's. So other
14 than what we're able to get by subpoena
15 for those and for certain other contract
16 providers without subpoenas, those records
17 you would not have.
18 UNIDENTIFIED SPEAKER: That's
19 right.
20 (Simultaneous speaking.)
21 TRUSTEE YOUNG: Governor, what I
22 was talking about, now, you were saying
23 that a board of trustee member cannot sit

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1 in with the attorney, U.W. Clemon,
2 Attorney Byrne, discussing FSS --
3 MR. BYRNE: (Inaudible.)
4 TRUSTEE YOUNG: Well, SB or
5 whomever. -- discussing the FSS audit
6 between the university. Are you saying
7 our committee chair cannot do that?
8 UNIDENTIFIED SPEAKER: Mr. Young, I
9 think we -- we can handle that with Judge
10 Clemon and our counsel, that she could be
11 a part of that. That's what -- that's
12 what --
13 GOVERNOR BENTLEY: Yeah.
14 UNIDENTIFIED SPEAKER: -- that's
15 where we need to go with that.
16 GOVERNOR BENTLEY: That's right.
17 UNIDENTIFIED SPEAKER: Okay. All
18 right.
19 GOVERNOR BENTLEY: All right.
20 Let's move on to the -- the second issue
21 here. And, Judge Wiggins, we will
22 address -- where is my -- I've got so
23 many -- here we go.

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1 Our presidential search committee. If
2 you will -- if you will, elaborate on
3 that, please, sir.
4 VICE CHAIRMAN WIGGINS: Yes, sir.
5 Thank you, Mr. President.
6 First of all, let me express to
7 Dr. Harris that we are very proud of you.
8 (Simultaneous speaking.)
9 VICE CHAIRMAN WIGGINS: Let me
10 express to Dr. Harris that we are very
11 proud of you, appreciate what you have
12 done as a leader at this university. You
13 have transmogrified this university since
14 you have been here, and we are very
15 appreciative of your leadership.
16 GOVERNOR BAILEY: I don't know if
17 that's -- I don't know if that's --
18 UNIDENTIFIED SPEAKER: It's
19 credible.
20 (Simultaneous speaking.)
21 VICE CHAIRMAN WIGGINS: You have
22 made us one of the best HBCUs in the
23 nation and also in Alabama. And the

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1 faculty and staff and students that we
2 have here, we are proud of you and proud
3 of the leadership of this board and these
4 members who represent the Alabama State
5 University.
6 The search committee has interviewed
7 71 candidates. We have narrowed it down.
8 (Simultaneous speaking.)
9 VICE CHAIRMAN WIGGINS: I'm going
10 to explain what the interview means.
11 UNIDENTIFIED SPEAKER: Okay.
12 VICE CHAIRMAN WIGGINS: We narrowed
13 it down to 11 candidates. At this
14 juncture, when I say "interviewed," we
15 have reviewed credentials anonymously of
16 71 candidates, but 11 candidates remain.
17 On November 6th, we will narrow that down,
18 hopefully, to three to five. No one on
19 the committee is aware of any of the
20 candidates personally. All we are looking
21 at are identifying factors as it relates
22 to their background. There are deans,
23 vice presidents, business owners, current

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1 presidents of universities who have
2 applied. We will try and find the best
3 leader we can.
4 And the committee, I am proud of them.
5 They are representing, they are working
6 hard, and they are doing their best to get
7 this university where it needs to be.
8 There has been transparency. The
9 media is there at every meeting. The
10 governor's office, staff, are there at
11 every meeting. So when you talk about
12 transparency, we have gone far and beyond
13 what needs to be done in terms of exposing
14 the public through the process of trying
15 to find the best president.
16 The committee unanimously voted that
17 at this juncture we will not release any
18 information on the candidates until we
19 have narrowed it down to the three to
20 five, particularly because of the
21 confidentiality some of the candidates
22 have requested. Some of them are
23 currently still employed. Some of them

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1 have not notified their employer that they
2 are seeking other jobs. We do not want to
3 jeopardize those candidates' employment.
4 So we have agreed that we would not
5 release the names or any information as it
6 relates to those candidates who applied
7 until we have narrowed it down to the
8 three to five.
9 Once we have narrowed it down to the
10 three to five, the committee is then going
11 to engage a process as to how we're going
12 to make those five or three candidates
13 public for interviews with the committee,
14 interviews with the board, interviews with
15 the community. The committee will make
16 that decision, and we will try to present
17 those to the board. We are hopeful that
18 we can try and have a candidate ready for
19 the board by January, but I cannot promise
20 you that, because I don't know the
21 process. I don't know whether those
22 candidates are going to be ready to take
23 employment in January. We have not gotten

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1 to that stage.
2 But this committee has been
3 transparent through the process. It has
4 not violated any Open Meetings Act through
5 this process. And we've invited anybody
6 to come to the meetings. There is an
7 executive session where only the committee
8 members have been allowed to go into
9 executive session, pursuant to law, to
10 discuss those candidates. And, hopefully,
11 by the end of the year, we may have some
12 candidates who are ready, but I cannot
13 promise you their position or whether or
14 not they will be willing to take
15 employment by January. That is a process
16 that will have to be decided once we get
17 to the board.
18 The next meeting is November the 6th
19 at six o'clock at the center. We will
20 then further review the credentials of
21 those 11 candidates, and hopefully, at
22 that time, we will narrow it down to the
23 three to five to be ready to start our

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1 interviewing at that time.
2 GOVERNOR BENTLEY: Okay. If -- if
3 I may ask Judge Wiggins a question,
4 please, sir. I have -- as the president
5 of the board, I have concerns about the
6 transparency in this process. First let
7 me say that you cannot go into executive
8 session unless you're discussing the good
9 name of the individual.
10 VICE CHAIRMAN WIGGINS: We are
11 aware.
12 GOVERNOR BENTLEY: And if you do
13 not know the names, you cannot discuss
14 their good name.
15 VICE CHAIRMAN WIGGINS: The statute
16 says more than name. Good name,
17 character, reputation.
18 GOVERNOR BENTLEY: Good name,
19 character, and reputation.
20 VICE CHAIRMAN WIGGINS: Yes, sir.
21 GOVERNOR BENTLEY: But if you don't
22 know their names, you cannot discuss --
23 JUDGE WIGGINS: But you can discuss

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1 more than their name. Good name,
2 character, and reputation.
3 GOVERNOR BENTLEY: I just finished
4 the search for the chancellor of the two-
5 year system and also the state school
6 board superintendent. The state law says
7 that those records belong to the public.
8 Once you receive the -- if this board --
9 if this committee receives an application,
10 that application has to be made public if
11 it's asked for by a FOIA request.
12 VICE CHAIRMAN WIGGINS: Governor,
13 as you're aware, the committee and the
14 university has engaged a firm --
15 GOVERNOR BENTLEY: Am I not right?
16 VICE CHAIRMAN WIGGINS: -- to serve
17 as a conduit. The university has not
18 received any application. The committee
19 has not received any application. There
20 is a firm that's serving as a
21 clearinghouse to receive the applications.
22 Those documents are not covered.
23 GOVERNOR BENTLEY: Okay. Who --

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1 who is this firm?
2 VICE CHAIRMAN WIGGINS:
3 Mr. McPhillips.
4 UNIDENTIFIED SPEAKER: Maynard
5 Cooper.
6 VICE CHAIRMAN WIGGINS: Maynard,
7 Cooper & Gale.
8 UNIDENTIFIED SPEAKER: Maynard,
9 Cooper.
10 UNIDENTIFIED SPEAKER: Is he a bond
11 lawyer?
12 VICE CHAIRMAN WIGGINS: I'm sorry?
13 UNIDENTIFIED SPEAKER: Is he a bond
14 lawyer?
15 UNIDENTIFIED SPEAKER: He's a good
16 lawyer.
17 UNIDENTIFIED SPEAKER: A good
18 lawyer. But he's the bond lawyer that
19 you're talking about?
20 VICE CHAIRMAN WIGGINS: Yes, that
21 we've been using all along.
22 UNIDENTIFIED SPEAKER: I'm just
23 trying to make sure it's the right

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1 McPhillips.
2 VICE CHAIRMAN WIGGINS: Yes, sir.
3 UNIDENTIFIED SPEAKER: Okay.
4 VICE CHAIRMAN WIGGINS: And they've
5 been engaged in this process and he's been
6 handling -- I mean, they are aware of it.
7 Mr. Byrne has been -- he's been video
8 conferencing with us at all meetings.
9 He's in there. He's seen him. He's
10 talked to him, Frank McPhillips. So to
11 make an allegation like that, when they've
12 sat in the meetings and they've talked to
13 the gentleman, that is unfair.
14 GOVERNOR BENTLEY: Mr. Byrne.
15 MR. BYRNE: Governor, we have
16 available exactly what the members of that
17 committee get. And I'll ask these two
18 people in our office to provide that, so
19 that you see with respect --
20 VICE CHAIRMAN WIGGINS: Well,
21 Governor --
22 MR. BYRNE: -- to the -- to the --
23 VICE CHAIRMAN WIGGINS: -- you

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1 asked for a report from me. If he's
2 questioning something -- that's -- that's
3 the whole process. You asked for a report
4 from the chairman of the committee. I
5 don't need that. I've got that. That
6 information is not public information. It
7 is unfair --
8 MR. BYRNE: It's supposed to be --
9 VICE CHAIRMAN WIGGINS: No, it is
10 not -- Governor, this is not public
11 information.
12 UNIDENTIFIED SPEAKER: How did he
13 get it?
14 VICE CHAIRMAN WIGGINS: And they
15 cannot circulate this information. This
16 is -- this is the process we've been
17 dealing with through your office,
18 Governor. It's totally unfair for your
19 office to be circulating confidential
20 information that this committee has.
21 I don't want that. I don't need that.
22 MR. BYRNE: If we may --
23 VICE CHAIRMAN WIGGINS: And it's

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1 unfair for any other member to have it.
2 They are not a part of the search
3 committee.
4 (Simultaneous speakers.)
5 MR. THOMAS: All of the members of
6 the search committee -- I have no way.
7 Documents were numbered, names were placed
8 on it and taken up at the beginning and
9 ending of every meeting.
10 VICE CHAIRMAN WIGGINS: See, this
11 is -- this started all of it.
12 MR. THOMAS: It had to be provided
13 to them --
14 VICE CHAIRMAN WIGGINS: This is
15 what we have to go through.
16 MR. THOMAS: -- by one of the
17 committee members.
18 VICE CHAIRMAN WIGGINS: These are
19 confidential documents that were
20 circulated in the meeting that were taken
21 up, and now the governor's office has
22 confidential documents he's circulating to
23 the public. That's what we need to

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1 conduct the investigation at, right here,
2 see how you got these confidential
3 documents that you're circulating to the
4 public.
5 MR. BYRNE: If I may?
6 VICE CHAIRMAN WIGGINS: No.
7 Governor, you asked for a report from the
8 president of the search committee.
9 GOVERNOR BENTLEY: Okay. Well,
10 I --
11 VICE CHAIRMAN WIGGINS: I am not
12 circulating no documents on the
13 committee.
14 GOVERNOR BENTLEY: Okay.
15 VICE CHAIRMAN WIGGINS: And no
16 documents should be circulated on behalf
17 of the committee.
18 GOVERNOR BENTLEY: I'm going to --
19 I'm going to follow my legal advisor and
20 let him explain this.
21 VICE CHAIRMAN WIGGINS: Well, I
22 want to call on my legal advisor.
23 GOVERNOR BENTLEY: You can. You

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1 can. You can do that.
2 VICE CHAIRMAN WIGGINS: I want to
3 call on my legal advisor.
4 GOVERNOR BENTLEY: Okay. Call on
5 him first.
6 MR. THOMAS: Well, again, there's
7 nothing to explain. These documents were
8 as a part of the presidential search, and
9 they were not disseminated to the public.
10 And the university does not have them, so
11 I don't know where you got them from. But
12 these are not documents that --
13 MR. BYRNE: They were given to us
14 by --
15 VICE CHAIRMAN WIGGINS: And it's
16 unfair --
17 MR. BYRNE: -- your lawyer.
18 VICE CHAIRMAN WIGGINS: -- to these
19 candidates.
20 MR. BYRNE: We were given them --
21 VICE CHAIRMAN WIGGINS: These --
22 MR. BYRNE: -- by your lawyer.
23 MR. THOMAS: What lawyer?

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1 UNIDENTIFIED SPEAKER: Which
2 lawyer?
3 MR. BYRNE: Maynard, Cooper.
4 MR. THOMAS: Gave you these
5 documents?
6 MR. BYRNE: Yes.
7 VICE CHAIRMAN WIGGINS: Well, we
8 need to get Mr. McPhillips on the line
9 now.
10 MR. THOMAS: Well, then we need to
11 call --
12 VICE CHAIRMAN WIGGINS: Let's
13 get --
14 MR. THOMAS: -- Mr. McPhillips,
15 because he was under no authorization to
16 give you documents relating to the
17 presidential search.
18 MR. BYRNE: Well, there's a bigger
19 problem.
20 MR. THOMAS: What is it?
21 MR. BYRNE: The attorney general,
22 in 2011, wrote the following opinion,
23 Opinion 2011-094- --

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1 VICE CHAIRMAN WIGGINS: We know
2 what the Open Meetings Act says.
3 MR. BYRNE: Sir?
4 VICE CHAIRMAN WIGGINS: We are
5 aware of the Open Meetings Act.
6 MR. BYRNE: This is not about the
7 Open Meetings Act. Are -- the question
8 is, are initial applications and attached
9 documents for positions of employment at
10 Jacksonville State University public
11 documents? This office has consistently
12 stated that the resumé of an applicant for
13 employment is a public record, citing the
14 opinions. Those opinions relied upon on
15 Chambers versus Birmingham News,
16 552 So.2d, 854, 1989, Supreme Court of
17 Alabama decision. As Denton's opinion
18 expressed: In chambers, the Court held
19 that applications, resumé, and other
20 related materials received by the Shelby
21 County Board of Education from persons
22 applying for the newly-created position of
23 coordinator of water and sewer were public

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1 record subject to disclosure. More
2 recent -- or earlier, when the Alabama
3 Department of Environmental Management
4 sought a new manager, the names and
5 resumés of applicants for the position of
6 director of the Alabama Department of
7 Environmental Management are matters of
8 public record. If the resumé contains
9 confidential information, the release of
10 which would cause undue harm or
11 embarrassment to an applicant, such
12 information may be kept confidential.
13 The Alabama Environmental Management
14 Commission has appointed a search
15 committee to receive applications and
16 conduct interviews for the position of
17 director of the Alabama Department of
18 Environmental Management. This committee
19 has announced that all interviews and
20 deliberations of the search committee will
21 be conducted in closed executive session.
22 The Environmental Management
23 Commission has received a number of

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1 applicant and will not receive one
2 applicant.
3 MR. THOMAS: And, Judge, if I may
4 add, and that's not to say that the
5 university is not going to disclose that
6 information at the appropriate time.
7 VICE CHAIRMAN WIGGINS: So I guess
8 they're trying to allege we violated --
9 MR. THOMAS: What, the Open
10 Meetings Act?
11 VICE CHAIRMAN WIGGINS: Open
12 Meetings Act, because we -- we let them
13 come into executive session.
14 MR. THOMAS: And if I may comment.
15 The attorney general's opinion is not
16 controlling law. It basically serves the
17 purpose of being a protection for a public
18 official in reliance on it.
19 MR. BYRNE: The Supreme Court of
20 Alabama, however, is controlling law.
21 UNIDENTIFIED SPEAKER: What's the
22 cite on that?
23 GOVERNOR BENTLEY: It's a supreme

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1 applications and other materials from
2 persons seeking appointment to the
3 position of director. The commission has
4 refused to disclose the names of the
5 applicants and refused to disclose any of
6 the materials. They conclude that those
7 materials are public records and are due
8 to be disclosed. And there is your
9 transparency.
10 VICE CHAIRMAN WIGGINS: Look at the
11 distinguishing factor. He said the
12 documents were received by the board of
13 education and the documents were received
14 by a governmental entity. This
15 governmental entity has not received no
16 documents. The documents went to a
17 private, confidential firm. Those cases
18 are inapplicable to here. He understands.
19 He's a lawyer; he should understand
20 that -- private documents as opposed to
21 public documents. Those documents were
22 received by public entities. Alabama
23 State University has not received one

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1 court rule, isn't it?
2 VICE CHAIRMAN WIGGINS: As part of
3 my report --
4 MR. BYRNE: May I?
5 VICE CHAIRMAN WIGGINS: -- since
6 you wanted to --
7 MR. BYRNE: The question was posed
8 to me, sir.
9 VICE CHAIRMAN WIGGINS: I haven't
10 finished my report, though.
11 GOVERNOR BENTLEY: Okay. Let --
12 MR. BYRNE: We'll take --
13 GOVERNOR BENTLEY: Okay. Go ahead
14 and finish your report.
15 VICE CHAIRMAN WIGGINS: To show you
16 how transparent we've been --
17 UNIDENTIFIED SPEAKER: Talk in the
18 microphone.
19 VICE CHAIRMAN WIGGINS: To show
20 you-all how transparent we've been, our
21 Student Government Association president,
22 Mr. Campbell -- are you here,
23 Mr. Campbell? Mr. Campbell, come to the

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1 mic.
2 This gentleman, on behalf of the
3 student body of this university, would
4 like to express how he's been involved in
5 the process of searching for a new
6 president.
7 Mr. Campbell.
8 MR. CAMPBELL: Yes, sir.
9 VICE CHAIRMAN WIGGINS: Yes, sir.
10 There's something you wanted to say?
11 MR. CAMPBELL: I'm wanting to
12 say that -- Governor Bentley, how are you
13 doing? How are y'all doing?
14 I would -- I would like to say that I
15 would like the president's search to
16 continue because the student body needs a
17 leader. And I think that the committee
18 has been doing a great job. Me and
19 Dr. Harding, we are -- we're working
20 together right now to make sure that these
21 last 11 candidates have -- like, make sure
22 we have the correct structure, that we
23 pick the right person. I also would like

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1 to ask you that (inaudible) student
2 committee just to make sure that we
3 (inaudible) with the student appointment
4 of the next president. (Inaudible.) And
5 I ask you that you add at least one more
6 student --
7 (Inaudible.)
8 UNIDENTIFIED SPEAKER: You may pray
9 that, but not move it.
10 GOVERNOR BENTLEY: But somebody on
11 the committee -- someone in the board can
12 move it for you.
13 UNIDENTIFIED SPEAKER: Yeah, that
14 could happen.
15 UNIDENTIFIED SPEAKER: Well,
16 that's -- still, that was a committee that
17 was still --
18 UNIDENTIFIED SPEAKER: So move.
19 UNIDENTIFIED SPEAKER: Wait a
20 minute. Hey. Hey.
21 UNIDENTIFIED SPEAKER: I move that
22 we add an additional student to the
23 presidential searchers committee so that

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1 the students may have adequate
2 representation in searching for our next
3 president of this university.
4 UNIDENTIFIED SPEAKER: I second
5 that motion.
6 UNIDENTIFIED SPEAKER: Okay. All
7 right.
8 GOVERNOR BENTLEY: It's been moved
9 and seconded that we add one more student
10 to the search committee. All in favor,
11 let it known by saying aye.
12 (Board members in favor of the
13 motion so indicated.)
14 GOVERNOR BENTLEY: Any opposed?
15 (No response.)
16 GOVERNOR BENTLEY: See how easy
17 that was?
18 MR. CAMPBELL: Thank you, Governor.
19 VICE CHAIRMAN WIGGINS: Yes, yes,
20 correct. Mr. Campbell?
21 GOVERNOR BENTLEY: Mr. Campbell,
22 who is going to select that person?
23 MR. CAMPBELL: The student body.

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1 GOVERNOR BENTLEY: You're going to
2 vote on this?
3 MR. CAMPBELL: Yes, sir.
4 GOVERNOR BENTLEY: Going to vote on
5 it?
6 MR. CAMPBELL: The student body
7 will vote on it. We have three
8 candidates.
9 GOVERNOR BENTLEY: Okay.
10 MR. CAMPBELL: Yes, sir.
11 GOVERNOR BENTLEY: Good. All
12 right. Thank you.
13 UNIDENTIFIED SPEAKER: He doesn't
14 know what I do for him.
15 MR. BYRNE: To respond to the
16 trustee's question, the citation is
17 Chambers versus Birmingham News, 552
18 So.2d, 854, Supreme Court of Alabama,
19 1989. 552 So.2d, 854, Alabama Supreme
20 Court, 1989.
21 VICE CHAIRMAN WIGGINS: That's my
22 report, Mr. President.
23 GOVERNOR BENTLEY: Okay. All

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1 right. Is there --
2 TRUSTEE YOUNG: Trustee Wiggins --
3 I just want to ask Trustee Wiggins one
4 question about the presidential search.
5 Let's get some -- a point of clarification
6 here. I hear you saying that the
7 committee will choose the president --
8 VICE CHAIRMAN WIGGINS: No. No. I
9 said the committee will choose the
10 candidates --
11 TRUSTEE YOUNG: Okay.
12 VICE CHAIRMAN WIGGINS: -- three to
13 five.
14 TRUSTEE YOUNG: To bring to the
15 board.
16 VICE CHAIRMAN WIGGINS: To bring to
17 the board.
18 TRUSTEE YOUNG: Okay. I just
19 wanted to get some clarification.
20 TRUSTEE BAKER: I have a question
21 of clarification. Who is going to
22 determine whether it's going to be three
23 or five?

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1 VICE CHAIRMAN WIGGINS: That's
2 something the committee will decide.
3 GOVERNOR BENTLEY: Now, you can --
4 you know, this -- this board can make a
5 decision on it, if you want to do the
6 whole 11. You can -- you can make that
7 decision on how many you -- we interviewed
8 at least that many for the chancellor of
9 the two-year system. I believe we
10 interviewed ten. And for the head of the
11 department of education, we interviewed
12 about that many also.
13 VICE CHAIRMAN WIGGINS: Just for
14 economics' sakes, you've got to fly people
15 in, you've got hotel accommodations, all
16 of that. If you're trying to interview 11
17 people, we just thought it would be best
18 to --
19 GOVERNOR BENTLEY: Well, y'all had
20 a board meeting up there this weekend. I
21 think if you can afford that, you can
22 afford to fly them in here for -- to --
23 VICE CHAIRMAN WIGGINS: That didn't

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1 have nothing to do with whether or not we
2 can afford them, Governor.
3 GOVERNOR BENTLEY: Well, I know
4 y'all didn't pay for that, did you? I
5 know y'all paid your own way up there,
6 didn't you?
7 VICE CHAIRMAN WIGGINS: That
8 doesn't have anything to do with whether
9 or not we can afford anything, Governor.
10 (Simultaneous speakers.)
11 GOVERNOR BENTLEY: Okay. All
12 right. Okay. All right. I withdraw -- I
13 withdraw my remark.
14 TRUSTEE HODGE: I make a motion --
15 I would like to move that we defer to the
16 decision of the search committee as to the
17 number of candidates that -- (inaudible)
18 because it is more cost-effective. We --
19 you know, you're talking about a million
20 dollars --
21 GOVERNOR BENTLEY: Well, three
22 candidates?
23 UNIDENTIFIED SPEAKER: Five.

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1 GOVERNOR BENTLEY: Well, five
2 candidates. I mean --
3 TRUSTEE HODGE: I also want to add
4 to that -- and I do want it as a point of
5 clarification -- it doesn't preclude any
6 board member from presenting a -- a
7 candidate even at the table, so I -- I
8 think we still have some open options
9 there.
10 UNIDENTIFIED SPEAKER: What would
11 be the appropriate time?
12 GOVERNOR BENTLEY: To -- to present
13 the candidate? Yeah. When would be the
14 appropriate time?
15 VICE CHAIRMAN WIGGINS: Whenever we
16 bring the candidates back to the full
17 board. When the committee brings its
18 final report with all of the candidates,
19 then any board member can interject
20 another candidate unrelated to the search.
21 UNIDENTIFIED SPEAKER: But at any
22 point along the way, you would listen to a
23 person who has a -- has a candidate. I

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1 mean, that's --
2 TRUSTEE HODGE: I have a motion.
3 UNIDENTIFIED SPEAKER: Yes, sir.
4 TRUSTEE HODGE: And if I need to
5 reiterate that motion, I will.
6 I would like to move that we defer to
7 the decision of the search committee as to
8 the number of candidates that will be
9 presented.
10 UNIDENTIFIED SPEAKER: I second.
11 UNIDENTIFIED SPEAKER: Governor,
12 can we do it like the University of
13 Alabama did theirs?
14 GOVERNOR BENTLEY: Well,
15 everybody's different. ASU is different.
16 (Simultaneous speakers.)
17 GOVERNOR BENTLEY: Hey, I've dealt
18 with that. Auburn's is different,
19 Alabama's -- everybody's is different.
20 UNIDENTIFIED SPEAKER: We've got a
21 second. Second.
22 GOVERNOR BENTLEY: Okay. Now, what
23 was the motion?

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1 UNIDENTIFIED SPEAKER: The motion
2 is to leave it to the search committee --
3 GOVERNOR BENTLEY: Leave it to --
4 TRUSTEE HODGE: The motion is that
5 we defer to the decision of the search
6 committee as to the number of candidates
7 that will be ultimately presented by them
8 to the board.
9 GOVERNOR BENTLEY: Okay.
10 TRUSTEE HODGE: That -- that goes
11 whether it's three or five.
12 GOVERNOR BENTLEY: Could I ask
13 someone to make this motion instead of me
14 making it? We need to make sure that any
15 member of this board can add a candidate
16 if they wish.
17 TRUSTEE HODGE: Well, that was my
18 point initially, is that --
19 GOVERNOR BENTLEY: Can you add --
20 can you add that to the --
21 TRUSTEE HODGE: No problem. No
22 problem. Because, actually, I think
23 we're -- already under the bylaws can do

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1 that.
2 GOVERNOR BENTLEY: Okay.
3 TRUSTEE HODGE: But, you know, as I
4 initially mentioned, that any board member
5 can add a candidate at any time, so --
6 GOVERNOR BENTLEY: And could you
7 also add that all candidates can be
8 rejected?
9 TRUSTEE HODGE: Oh, yeah.
10 (Simultaneous speakers.)
11 TRUSTEE HODGE: Yes. That's --
12 that's pro forma.
13 GOVERNOR BENTLEY: Yeah. Okay.
14 TRUSTEE HODGE: If they're not
15 approved, they are rejected, so, you know,
16 we just go back to the board -- back to
17 the drawing board.
18 GOVERNOR BENTLEY: To the
19 committee.
20 TRUSTEE HODGE: Yeah. To the
21 subcommittee.
22 GOVERNOR BENTLEY: All right.
23 So --

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1 (Simultaneous speakers.)
2 GOVERNOR BENTLEY: Well, that's a
3 motion. Did we get that -- did we get
4 that motion?
5 UNIDENTIFIED SPEAKER: Can you
6 repeat it?
7 TRUSTEE HODGE: The motion was that
8 we defer to the search committee as to the
9 number of candidates that would be
10 presented to this board notwithstanding
11 the opportunity of board members to add
12 additional candidates and that, also
13 inclusive, that each -- that the board
14 member will -- that the board will decide
15 whether or not to accept any candidate or
16 none.
17 GOVERNOR BENTLEY: Okay. So that's
18 a motion. Do we have a second on that?
19 UNIDENTIFIED SPEAKER: Second.
20 GOVERNOR BENTLEY: Okay. Now we
21 have a question.
22 VICE CHAIRMAN WIGGINS: I have a
23 question. I just want to make sure that

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1 we understand that legally -- suppose
2 candidates have come before the committee
3 and the committee has rejected those
4 candidates and then a board member wants
5 to now, at the final meeting, put that
6 candidate whom the committee has rejected
7 back before the board. It's going to
8 present some legal problems.
9 UNIDENTIFIED SPEAKER: Well, not
10 necessarily. Not necessarily.
11 UNIDENTIFIED SPEAKER: Yes, it is.
12 Yes, it is.
13 VICE CHAIRMAN WIGGINS: I just
14 wanted to make sure. I'm not saying that
15 would happen. I'm just saying we need to
16 be mindful of it when we make that motion.
17 UNIDENTIFIED SPEAKER: We need to
18 know what legal problems it's going to
19 present before we make a motion.
20 MR. THOMAS: One would be that you
21 have already announced that you would be
22 seeking applications through
23 September 30th, 2013. And that process

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1 has been engaged --
2 UNIDENTIFIED SPEAKER: Right.
3 MR. THOMAS: -- and there have
4 been -- and let me say it positively.
5 There have -- people who have been moved
6 forward and others have been advised that
7 they have not gone to the next round. So
8 to revive them again, having already been
9 in the process, I think, is going to
10 present some real questionable issues.
11 UNIDENTIFIED SPEAKER: Well, can
12 we -- can we add a deadline for -- for
13 submission by board members?
14 MR. THOMAS: Excuse me?
15 TRUSTEE HODGE: We already got a
16 deadline.
17 GOVERNOR BENTLEY: Well, then, if
18 that's the case, then what you're saying
19 is not going to work.
20 UNIDENTIFIED SPEAKER: Exactly.
21 UNIDENTIFIED SPEAKER: Well, if we
22 come -- if we come before the board with
23 candidates and they reject them when they

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1 got one that still can be in process
2 (inaudible) --
3 UNIDENTIFIED SPEAKER: Because that
4 would be, I guess, self-remedial, because
5 if everybody is rejected --
6 UNIDENTIFIED SPEAKER: Yeah.
7 UNIDENTIFIED SPEAKER: -- then,
8 again, the board member would at that
9 point have the opportunity to present
10 their own candidates if they find --
11 UNIDENTIFIED SPEAKER: If they are
12 rejected.
13 UNIDENTIFIED SPEAKER: Exactly.
14 UNIDENTIFIED SPEAKER: If
15 everybody's rejected, then you can then
16 nominate somebody.
17 TRUSTEE HODGE: Now, we've got a
18 muddle of a motion on the floor.
19 UNIDENTIFIED SPEAKER: After 30
20 years of doing this --
21 GOVERNOR BENTLEY: Here's another
22 question.
23 TRUSTEE BAKER: Let's get

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1 clarification. So you're telling me that
2 if this board brings in three, five
3 candidates and the board -- one of the
4 board members wanted to bring in one of
5 the candidates that have already been
6 rejected, that this board member can't --
7 is that what y'all are telling me?
8 UNIDENTIFIED SPEAKER: Right. You
9 can't do it.
10 TRUSTEE BAKER: All right. Why?
11 UNIDENTIFIED SPEAKER: Because --
12 TRUSTEE BAKER: I need to see it in
13 writing. Where can I get it at?
14 PRESIDENT HARRIS: Ladies and
15 gentlemen, one of the things, after 30
16 years of sitting at the table for this
17 kind of stuff, is that --
18 TRUSTEE BAKER: Mr. President --
19 okay. Good.
20 PRESIDENT HARRIS: I'm trying to
21 respond.
22 TRUSTEE BAKER: Oh, you're going to
23 respond to the question? Okay. Thank

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1 you.
2 PRESIDENT HARRIS: There is a
3 matter called due process, and that person
4 will have gone through the due process and
5 will have been rejected by the process you
6 put into place. To then say that you set
7 aside the decision of your own group and
8 bring somebody else up on your personal
9 whim creates issues for them.
10 But let me just say one other thing in
11 this, just in this regard. The experience
12 of a long history is that when you make
13 decisions on the fly, you probably aren't
14 making the right decisions. And I would
15 really suggest some studied thought
16 before -- before you do this. This is not
17 something that's imminent and has to take
18 place in the next two or three days.
19 TRUSTEE GILPIN: And I have a
20 question that would -- if I understand the
21 motion, that would authorize the committee
22 to bring back just one.
23 UNIDENTIFIED SPEAKER: Uh-uh.

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1 UNIDENTIFIED SPEAKER: No.
2 TRUSTEE GILPIN: What you said was,
3 that you would defer to the committee.
4 UNIDENTIFIED SPEAKER: Three to
5 five, though.
6 TRUSTEE GILPIN: That was not in
7 the motion.
8 UNIDENTIFIED SPEAKER: Oh, yeah.
9 I'd leave the motion alone.
10 TRUSTEE GILPIN: I think we should
11 withdraw the motion.
12 (Simultaneous speakers.)
13 TRUSTEE GILPIN: What is the
14 motion, then?
15 UNIDENTIFIED SPEAKER: Taylor, let
16 it go. I think you can get where you are
17 without going there. I think you can.
18 TRUSTEE BAKER: Okay. What about
19 my question, then?
20 TRUSTEE HODGE: Wait. Wait. Wait.
21 I think I'm going to just withdraw the
22 motion --
23 UNIDENTIFIED SPEAKER: That's a

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1 good idea.
2 UNIDENTIFIED SPEAKER: Okay.
3 TRUSTEE HODGE: -- and we'll work
4 it out.
5 TRUSTEE BAKER: But I still need my
6 question answered.
7 GOVERNOR BENTLEY: All right.
8 Trustee Baker, he has a question.
9 TRUSTEE BAKER: I still need --
10 would like my question to be answered.
11 And if it's going (inaudible) legal
12 representation, then I need to know what,
13 and I would like to have the writing of
14 the --
15 UNIDENTIFIED SPEAKER: Well, we
16 will make sure legal --
17 UNIDENTIFIED SPEAKER: We'll ask
18 counsel, then.
19 TRUSTEE BAKER: Give (inaudible).
20 MR. THOMAS: I'm not going to give
21 legal advice in a public forum.
22 TRUSTEE BAKER: I didn't say that.
23 MR. THOMAS: But, again, what

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1 you're asking for would be my legal
2 opinion on a process that could affect
3 the --
4 TRUSTEE BAKER: No. No.
5 MR. THOMAS: -- presidency of this
6 university.
7 TRUSTEE BAKER: Okay.
8 (Simultaneous speaking)
9 MR. THOMAS: And I'll be more than
10 happy to talk with you privately.
11 GOVERNOR BENTLEY: Well, we can't
12 talk privately.
13 MR. BAKER: So, in other words,
14 before we leave here, what you-all are
15 telling me -- telling me is that out of
16 the applicants, that a board member does
17 not have the right to suggest that one of
18 those applicants be brought back. That's
19 what y'all are telling me?
20 GOVERNOR BENTLEY: And interviewed
21 by the --
22 TRUSTEE BAKER: Whole board.
23 GOVERNOR BENTLEY: -- whole board?

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1 TRUSTEE BAKER: Yeah. Now, let me
2 hear this, now. This is what y'all are
3 telling me?
4 TRUSTEE WIGGINS: I'm telling you
5 that we cannot do that unless all of the
6 candidates are rejected. Once all the
7 candidates are rejected, then we can come
8 back if you desire --
9 TRUSTEE BAKER: Is that legal
10 opinion? Do we have it in --
11 GOVERNOR BENTLEY: That's what I
12 think.
13 TRUSTEE BAKER: Is it in writing
14 somewhere?
15 (Simultaneously speaking)
16 TRUSTEE BAKER: (Inaudible.) I'm
17 just asking. All I'm asking, is it in
18 writing somewhere?
19 GOVERNOR BENTLEY: Why don't you --
20 why don't you bring a motion that any
21 member can submit anyone to this board to
22 be interviewed.
23 TRUSTEE BAKER: I wouldn't want to

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1 do that.
2 (Simultaneous speaking.)
3 TRUSTEE BAKER: If (inaudible)
4 illegal (inaudible) it's illegal, but I
5 want to see it.
6 VICE CHAIRMAN WIGGINS: But I'm
7 saying why have a process and a deadline
8 if all of a sudden after the deadline
9 you're going to come with --
10 TRUSTEE BAKER: But we don't want
11 to go through that right here in public.
12 VICE CHAIRMAN WIGGINS: You're
13 bringing it up, though.
14 TRUSTEE BAKER: Excuse me. I can
15 bring it up.
16 UNIDENTIFIED SPEAKER: We don't
17 need to bring that up.
18 (Simultaneous speaking)
19 UNIDENTIFIED SPEAKER: See, we're
20 trying to --
21 UNIDENTIFIED SPEAKER: So why have
22 a deadline and a process? Why don't we
23 just let the board get applicants at any

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1 time?
2 CHAIRMAN DEAN: We have a committee
3 that -- that would vet it.
4 VICE CHAIRMAN WIGGINS: (Inaudible)
5 the board do it. Why not just open the
6 process and let the board take the
7 applicants and the board review the
8 applicants and the board decide?
9 TRUSTEE BAKER: I don't have a
10 problem with that, but the rest of the
11 board members may.
12 VICE CHAIRMAN WIGGINS: Okay.
13 That's what you're suggesting.
14 TRUSTEE BAKER: No, I'm not. No,
15 I'm not.
16 TRUSTEE WIGGINS: Because if we
17 present candidates that we've interviewed,
18 we screened, and we present to the board,
19 any board member can say, I don't want
20 those five. I've got John Doe who's never
21 applied, who's never been interviewed --
22 TRUSTEE BAKER: No, no, no. Hold
23 it. Hold it. There's a difference now.

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1 No, there's a difference now. I can
2 understand if one has not applied. I'm
3 talking about one that applied in the
4 beginning and if a board member would like
5 for that candidate to be brought before
6 the full board.
7 VICE CHAIRMAN WIGGINS: Okay. Why
8 have a committee, then?
9 UNIDENTIFIED SPEAKER: Okay. Yeah,
10 we --
11 TRUSTEE BAKER: I mean, I --
12 VICE CHAIRMAN WIGGINS: I mean, we
13 can be like the University of Alabama, if
14 you want to. We can just call somebody
15 out.
16 TRUSTEE BAKER: So you're telling
17 me -- what I'm saying once again -- now,
18 listen to me. I'm saying that if a
19 candidate has been rejected, then a board
20 member would like for -- because the board
21 has not been exposed to this candidate, to
22 a certain candidate, and if everyone has a
23 candidate that has applied, then I think

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1 that that candidate should be brought
2 before the full board.
3 VICE CHAIRMAN WIGGINS: But I'm
4 saying why send the candidate through the
5 committee, then, if you don't want the
6 committee to screen the candidate and
7 eliminate it.
8 TRUSTEE BAKER: (Inaudible) didn't
9 want the committee to screen the
10 candidate. The committee turned the
11 candidate down. And I think as a board
12 member we should have the right to ask the
13 candidate come before the full board to be
14 voted on.
15 VICE CHAIRMAN WIGGINS: Every
16 candidate should have that right, then.
17 TRUSTEE BAKER: Well, then show it
18 to me in writing. That's all I ask.
19 VICE CHAIRMAN WIGGINS: No.
20 UNIDENTIFIED SPEAKER: Henry, will
21 you talk to him afterward?
22 TRUSTEE BAKER: I'm not talking.
23 No.

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1 records, and I truly believe that we're
2 violating the -- the Open Meetings Act by
3 not allowing these records to be made
4 public. And so I do have a problem with
5 it.
6 I also have a problem with what -- I
7 started to say Representative Baker. He
8 and I served together in the House
9 together. I have -- I do have a problem
10 with this committee screening out if they
11 don't really have any more than this right
12 here to screen out a candidate. And if --
13 if -- if a member of this board knows a
14 good candidate that they would like to
15 present to the entire board, I think they
16 ought to have the right to do that. And I
17 just believe that in -- in transparency.
18 I believe in openness. And I don't
19 believe this process right now is open and
20 transparent. I really do not. And that's
21 why I have suggested that we suspend it
22 until we make it totally transparent and
23 open. And if members of the press want

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1 GOVERNOR BENTLEY: Yes, sir.
2 TRUSTEE BAKER: I'm not talking. I
3 want it in writing.
4 UNIDENTIFIED SPEAKER: Is it fair
5 to conclude from your comments today that
6 you are withdrawing a recommendation that
7 the presidential search committee work to
8 be suspended?
9 GOVERNOR BENTLEY: I still have
10 concerns about the -- the search
11 committee. I have concerns about the
12 openness of it. I think that -- I still
13 believe that these are public records and
14 I still believe that all of these have to
15 be made public. And I think that if -- if
16 the press asked for these records, I think
17 they ought to have the right to get these
18 records. If you're going to apply to be
19 the president of Alabama State University,
20 you ought to have enough courage to step
21 up to the plate and say, I want to be
22 president of this state university.
23 And -- and I think that these are public

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1 these right here, they ought to be able to
2 get them.
3 VICE CHAIRMAN WIGGINS: Governor,
4 I'm not going to release it to them. If
5 you want to release it to them, you do
6 that.
7 GOVERNOR BENTLEY: I don't have --
8 this is all I have.
9 VICE CHAIRMAN WIGGINS: If you want
10 to give it to them, then I will write the
11 candidates and let them know the governor
12 of the state of Alabama got this
13 information and they released them to you--
14 all so y'all call the governor's office
15 because he's the one that gave them to the
16 press.
17 We've set up a procedure and a process
18 through the committee. If we don't want
19 the committee, let's dissolve the
20 committee and we will do it like the
21 university did. We will select us a
22 president tomorrow.
23 UNIDENTIFIED SPEAKER: We --

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1 VICE CHAIRMAN WIGGINS: And we
2 don't want to hear from nobody else about
3 how we went through the process. If
4 that's what y'all want, we're going to
5 hire us a president tomorrow. Don't
6 nobody call us talking about something
7 illegal and something wrong. We're going
8 to do --
9 (Simultaneous speaking)
10 VICE CHAIRMAN WIGGINS: We'll
11 (inaudible) somebody.
12 CHAIRMAN DEAN: We're not going
13 to -- we're going -- we're going to keep
14 the search committee. But, you know,
15 we're not saying that a candidate -- that
16 a trustee around this table cannot
17 recommend somebody. We are not saying
18 that. You've always had that privilege,
19 to be able to recommend somebody. Okay?
20 Even the search committee people, we've
21 told search committee people if you know
22 somebody, you can recommend them. Now,
23 whether that person recommended somebody

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1 or not. And, sure, we wouldn't tell the
2 search committee that they can recommend
3 somebody and the trustees can't recommend
4 somebody.
5 TRUSTEE BAKER: Thank you.
6 CHAIRMAN DEAN: Okay? We did not
7 say that.
8 GOVERNOR BENTLEY: Well, that's --
9 VICE CHAIRMAN WIGGINS: We're past
10 the deadline.
11 GOVERNOR BENTLEY: All right.
12 CHAIRMAN DEAN: But there is a --
13 yeah, there's a deadline.
14 GOVERNOR BENTLEY: Well, then that
15 was an arbitrary deadline that y'all set.
16 TRUSTEE WIGGINS: We had the
17 opportunity to --
18 TRUSTEE BAKER: So, in other words,
19 you're telling me that if I wanted to
20 recommend an applicant --
21 CHAIRMAN DEAN: He's still
22 saying -- he's still saying if you reject
23 all of them that you still can -- you

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1 still can have somebody.
2 TRUSTEE BAKER: (Inaudible) say
3 that -- you said you got a deadline. So
4 if an applicant has been rejected, they
5 need to resubmit another application?
6 VICE CHAIRMAN WIGGINS: If he
7 continued with the deadline, but the
8 deadline has expired. September 30th.
9 TRUSTEE BAKER: Okay. You know, we
10 talked about this once before. You said
11 we would have an opportunity to submit a
12 name to the board.
13 VICE CHAIRMAN WIGGINS: If --
14 TRUSTEE BAKER: You told me that.
15 VICE CHAIRMAN WIGGINS: No, no. I
16 said if the candidates are rejected, then
17 the process starts all over again. If all
18 of the candidates are rejected, then the
19 process starts all over again.
20 TRUSTEE BAKER: No, no. Now
21 we're -- no, no, no. We're not talking
22 about all of them. You said that if the
23 candidate has been rejected, at the proper

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1 time, then the board member would have an
2 opportunity to ask for a candidate to be
3 interviewed by the full board if they
4 haven't been rejected.
5 VICE CHAIRMAN WIGGINS: I --
6 TRUSTEE BAKER: We talked about it.
7 VICE CHAIRMAN WIGGINS: I did not
8 say that. No, sir. I'm not saying that.
9 TRUSTEE BAKER: (Inaudible) we did
10 say --
11 (Simultaneous speaking)
12 GOVERNOR BENTLEY: All right.
13 Trustee -- wait. Trustee Baker, why don't
14 you make that as a motion and let's let
15 the board vote on it. If the board feels
16 like that they have the right to submit a
17 candidate, whether they've been rejected
18 by the committee or not rejected by the
19 committee, let's let the board decide
20 whether or not they believe that they have
21 the right to -- to submit that candidate.
22 I'll make it as a motion.
23 MR. THOMAS: If I could make a

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1 comment. And I feel legally bound to do
2 this, Governor. That process has
3 inherently in there a lot of troubling
4 issues regarding especially Title VII,
5 because it possibly could manufacture --
6 manufacture a claim of preselection and,
7 therein, leave the university vulnerable
8 to all type of claims, claims based on
9 race, sex, national origin, all of the
10 suspect classifications.
11 So, again, I would want to suggest to
12 the board you had a process that was
13 properly put in place by the committee.
14 That committee has been engaged, I think,
15 now, Judge, three months.
16 UNIDENTIFIED SPEAKER: Or more.
17 MR. THOMAS: To deviate from it in
18 the midst of the selection process is
19 definitely going to create some legal
20 issues and challenges that may become
21 harmful to the university. I just say
22 that so that it can be on the record.
23 GOVERNOR BENTLEY: Does that make

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1 any sense to you?
2 MR. BYRNE: I would like to suggest
3 to the members of the board that this --
4 this board can be color blind. We can
5 avoid a Chapter 7. We can avoid the
6 issues that counsel is referring to. And
7 to indicate that a member of this board
8 cannot properly vet a candidate with
9 resumés and whatever material but more
10 importantly face-to-face inquiry is a
11 statement that a member of this board
12 distrusts the other members, they're not
13 willing to risk it.
14 And so at this point, what we're
15 saying is let the board, if there is a
16 candidate that is qualified to lead this
17 university, let the members of the board
18 have the opportunity to put those
19 candidates forward. Take whatever
20 information you choose to and then ask the
21 questions: Are you the kind of person
22 with the integrity, with the business
23 acumen. And with all those attributes and

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1 leadership that are needed, is this the
2 man or woman that we want to select as the
3 board of trustees? And that's the
4 question.
5 CHAIRMAN DEAN: Excuse me. Let me
6 say we -- we put a lot of effort in
7 choosing this committee, and Alabama State
8 in the past hasn't had a search committee
9 this transparent. We've had people in the
10 past that they picked the president and
11 tell you who to vote for. Okay? We've
12 got students -- we just added another
13 one -- we've got faculty senate, we've got
14 deans, we've got community people, we've
15 got -- we're not -- we don't have the
16 majority of trustees on that -- on that
17 committee. We've got about -- we've got
18 16 -- I guess with Mr. Campbell's addition
19 today that he got approved, we've got 17
20 members on this committee. Now, I call
21 that transparent.
22 And these are highly intelligent
23 people on this committee, and they are

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1 equipped with the knowledge to choose the
2 next president. But they won't be
3 choosing; they're just vetting. We're
4 going through applications. And what's
5 going to happen, when we bar -- when we
6 bear it -- when it goes down to three to
7 five or whatever it might be, we're going
8 to bring it to the board for interviews.
9 I don't think you can be more transparent
10 than that, now, unless there's a hidden
11 agenda somewhere. We don't have a hidden
12 agenda. You know, I'm just only one vote,
13 and some of the things that I voted on in
14 that committee meeting have been rejected
15 also. So we want the best president, the
16 best candidate -- female, male. We want
17 the best for Alabama State University.
18 And for us to continue around this
19 table now talking about how we're going to
20 get there, you know, when we already got a
21 process, I think if a trustee got a
22 problem with the process, he ought to be
23 talking to trustees and not in -- in the

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1 wide-open public like this. You know, we
2 can always resolve what we got if -- if
3 you got a candidate right now, you can
4 say, Committee, I got this person, let
5 them put their application in and send it
6 to Mr. McPhillips. He can vet it. And
7 then he -- with our legal people, we can
8 look at it.
9 TRUSTEE BAKER: Hold on, now.
10 There's some things, once again, that we
11 need to be corrected on. The process was
12 taken with -- talk with the individual --
13 individual committee members. And then
14 once again, I still would say today they
15 agreed to the process that we talked
16 about. I think (inaudible) can be -- once
17 the names came to the board, is that one
18 of the board members had one of the
19 members that had been rejected for
20 (inaudible) to be brought before the full
21 board.
22 UNIDENTIFIED SPEAKER: Okay.
23 TRUSTEE BAKER: So we talk and

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1 discuss individuals. And there are
2 several people around this table and that
3 I have talked with them about that.
4 UNIDENTIFIED SPEAKER: Okay. All
5 right.
6 TRUSTEE BAKER: And so it's my
7 understanding up until today that that
8 process can take place and we have them
9 come and the board will vote on
10 (inaudible). Might not -- board might not
11 want them.
12 UNIDENTIFIED SPEAKER: Okay.
13 TRUSTEE BAKER: And at least they
14 would be brought before the full board.
15 GOVERNOR BENTLEY: Let me ask this.
16 How many in here, how many board members
17 are on the search committee?
18 (Board members indicate with a
19 raise of their hand.)
20 VICE CHAIRMAN WIGGINS: The four of
21 us.
22 CHAIRMAN DEAN: Just four.
23 GOVERNOR BENTLEY: Just four.

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1 Okay. Do the rest of y'all not want a
2 chance to -- to -- to vet some of these
3 candidates? Yes, sir.
4 UNIDENTIFIED SPEAKER: If the
5 board's not satisfied with the amount of
6 applications, this board can take action,
7 could resolve it and start over again;
8 right?
9 UNIDENTIFIED SPEAKER: Yes.
10 GOVERNOR BENTLEY: Yes, they should
11 be able to.
12 VICE CHAIRMAN WIGGINS: I just want
13 to clarify, if I may.
14 GOVERNOR BENTLEY: Okay.
15 VICE CHAIRMAN WIGGINS: The report
16 that the governor has circulated -- the
17 report that the governor's office is
18 circulating from the president search
19 committee, even though it's a document,
20 confidential document, that was in the
21 committee, this is not all the information
22 that we had. Committee members were able
23 to ask Mr. McPhillips questions about the

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1 particular candidate, and there was some
2 information that he revealed about those
3 candidates not on here. These are just
4 identifying factors that the committee was
5 using as exclusions for candidates, not
6 necessarily trying to make them qualify,
7 but these were the identifying factors to
8 exclude candidates. And each committee
9 person was allowed to go out and ask
10 questions to further get details on those
11 particular candidates. So it's unfair to
12 say that this is all we had.
13 GOVERNOR BENTLEY: Were -- were --
14 excuse me, sir. Were names ever used?
15 VICE CHAIRMAN WIGGINS: No, sir.
16 UNIDENTIFIED SPEAKER: No, sir.
17 GOVERNOR BENTLEY: Then how did you
18 determine the good name, character -- how
19 would you -- how would you determine the
20 good name when you didn't know their
21 names?
22 VICE CHAIRMAN WIGGINS: Character
23 and reputation. It's -- there are three

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1 components.
2 GOVERNOR BENTLEY: I just still
3 think that y'all are not --
4 VICE CHAIRMAN WIGGINS: Do we need
5 to get the statute out? It says character
6 and reputation.
7 GOVERNOR BENTLEY: It says good
8 name --
9 VICE CHAIRMAN WIGGINS: Character
10 and --
11 GOVERNOR BENTLEY: -- and character
12 and reputation. Well, that's all three.
13 VICE CHAIRMAN WIGGINS: Right --
14 no.
15 TRUSTEE HODGE: Trustee Wiggins.
16 Trustee Wiggins, did y'all include a
17 psychological evaluation on these
18 candidates?
19 VICE CHAIRMAN WIGGINS: We haven't
20 gotten to that stage yet.
21 TRUSTEE HODGE: But it is possible
22 to do that?
23 VICE CHAIRMAN WIGGINS: I mean,

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1 we're -- by the time you get to three --
2 we wouldn't want to do a psychological
3 test on 71 candidates.
4 TRUSTEE HODGE: Oh, no, no. I
5 talking about --
6 VICE CHAIRMAN WIGGINS: Once we get
7 to the three to five, I mean, it's up to
8 the board as to what the board wants to
9 engage in practice of. I mean, it's --
10 it's going to be open once it gets to the
11 board.
12 TRUSTEE HODGE: Because, I mean,
13 we're dealing with character flaws, so
14 I'm -- I'm just wondering if we may have
15 some psychological flaws that we need to
16 expose.
17 VICE CHAIRMAN WIGGINS: And that's
18 going to be a board issue once we bring
19 the candidates to the board.
20 TRUSTEE HODGE: Thank you.
21 GOVERNOR BENTLEY: All right. The
22 question was asked of me do I think we
23 should suspend this. I think it should be

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1 more transparent. I think it should be
2 more open. I think that if these -- if
3 the members of the press would like to see
4 the names of these individuals, I think
5 they ought to have the right to do that.
6 I think that legally that's -- that's the
7 way I read it. That's the way I read it,
8 and I just believe that -- that's the way
9 we handled it when we did the candidates
10 for the chancellor. That's how we handled
11 it for superintendent of education. And
12 that's how I think it ought to be handled
13 here. I think these names ought to be
14 open. And if someone is applying to be
15 the president of this university, I think
16 their name ought to be there. I think
17 that they ought to put it out there.
18 Okay?
19 VICE CHAIRMAN WIGGINS: All right.
20 GOVERNOR BENTLEY: All right.
21 Where are we?
22 CHAIRMAN DEAN: That's it.
23 GOVERNOR BENTLEY: No, that's not

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1 it. Y'all think supper's ready or
2 something.
3 UNIDENTIFIED SPEAKER: I think so.
4 (Simultaneous speaking.)
5 GOVERNOR BENTLEY: I'll have to fix
6 hot dogs tonight. Where's that final --
7 CHAIRMAN DEAN: No. That's other
8 business.
9 UNIDENTIFIED SPEAKER: Just other
10 business. That's all.
11 GOVERNOR BENTLEY: Oh, other
12 business. So is there any other business?
13 (No response.)
14 UNIDENTIFIED SPEAKER: Move to
15 adjourn.
16 UNIDENTIFIED SPEAKER: I second.
17 GOVERNOR BENTLEY: Yes, sir.
18 UNIDENTIFIED SPEAKER: I don't
19 normally like to duplicate things, but I
20 do want to say in closing that we're -- we
21 take our job seriously.
22 UNIDENTIFIED SPEAKER: Okay.
23 UNIDENTIFIED SPEAKER: We want you

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1 to know that we take our job seriously.
2 And I wouldn't have stayed around here as
3 long if we wasn't doing something that was
4 positive. (Inaudible.) But we're proud
5 to have you here today and to -- to see
6 that you are interested in this
7 university, just as we are, interested in
8 the positive directions that we want to go
9 in just as we are.
10 GOVERNOR BENTLEY: Yes.
11 UNIDENTIFIED SPEAKER: I want to
12 thank you for being here.
13 GOVERNOR BENTLEY: Thank you, sir.
14 And it's -- you know, it's been a
15 difficult meeting, folks, and you knew it
16 was going to be difficult. But we will
17 have to see how this -- all this plays
18 out. Again, I want to say that it -- it
19 is -- it is not something that I sought
20 out but it is something that I was asked
21 to do. And you know what? I'm the
22 governor of the state. There are things
23 that I could have done that I did not do.

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1 I could have invoked Article 121 of the
2 constitution which would have required any
3 officer of any institution under oath in
4 writing to report to me any question that
5 I ask of you dealing with this university.
6 UNIDENTIFIED SPEAKER: Not so.
7 GOVERNOR BENTLEY: Yes, sir, it is
8 so. You need to read the constitution.
9 UNIDENTIFIED SPEAKER: I read it --
10 GOVERNOR BENTLEY: That's exactly
11 what it says.
12 UNIDENTIFIED SPEAKER: (Inaudible.)
13 GOVERNOR BENTLEY: That's exactly
14 what it says. And -- but I did not choose
15 that. I did not choose to do that. I
16 chose to allow the process to take place.
17 It says that the governor may require
18 reports from officers of executive
19 department and officers and managers of
20 state institutions. That's what it says.
21 UNIDENTIFIED SPEAKER: (Inaudible)
22 statute.
23 UNIDENTIFIED SPEAKER: The state

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1 officers who are specified in the -- in
2 the constitution.
3 GOVERNOR BENTLEY: The governor may
4 require information in writing under oath
5 from the officers of the executive
6 department named in this article --
7 UNIDENTIFIED SPEAKER: Right.
8 GOVERNOR BENTLEY: -- or created by
9 statute or any -- on any subject relating
10 to the duties of their respective offices
11 and he may at any time require information
12 in writing under oath from all officers
13 and managers of state institutions upon
14 any subject relating to the condition,
15 management, and expenses of their
16 respective officers and institutions. Any
17 such officer or manager who makes a
18 willful report or fails -- who willfully
19 makes a false report or fails without
20 sufficient excuse to make the required
21 report on demand is guilty of an
22 impeachable -- an impeachable offense.
23 VICE CHAIRMAN WIGGINS: Are all

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1 universities going to be subject to the
2 same (inaudible) Alabama State is?
3 GOVERNOR BENTLEY: Yes, if it's
4 brought up. If -- if -- if I have -- if I
5 have from any president in this -- in the
6 state of Alabama or if I have from anyone
7 in the state of Alabama something that's
8 brought to my attention, we will
9 investigate it.
10 VICE CHAIRMAN WIGGINS: I want to
11 go on record and request all universities
12 be treated like Alabama State and be
13 audited like Alabama State.
14 UNIDENTIFIED SPEAKER:
15 Mr. President, we have a motion on the
16 floor.
17 GOVERNOR BENTLEY: We have a motion
18 on the floor.
19 UNIDENTIFIED SPEAKER: Second.
20 UNIDENTIFIED SPEAKER: Is the
21 motion to adjourn or reconvene?
22 GOVERNOR BENTLEY: Adjourn.
23 UNIDENTIFIED SPEAKER: Who

1 seconded?
2 UNIDENTIFIED SPEAKER: I seconded.
3 GOVERNOR BENTLEY: Okay. Motion to
4 adjourn. Second. All in favor, let it be
5 known by saying aye.
6 (Board members in favor of the
7 motion so indicated.)
8 GOVERNOR BENTLEY: Any opposed?
9 (No response.)

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* * * * *
END OF VIDEO
* * * * *

1 REPORTER'S CERTIFICATE
2
3 STATE OF ALABAMA)
4 ELMORE COUNTY)
5
6 I do hereby certify that the above
7 and foregoing transcript was taken down by
8 me in stenotype from a previously recorded
9 video file and was transcribed by means of
10 computer-aided transcription to the best
11 of my ability, and that the foregoing
12 represents a true and correct
13 transcription of said videotaped
14 proceeding to the best of my ability.
15
16 I further certify that I am neither of
17 counsel, nor of any relation to the
18 parties to the action, nor am I anyway
19 interested in the result of said cause.
20 Transcribed this 27th day of April,
21 2014.
22
23
24 /s/ Bridgette W. Mitchell
25 Bridgette W. Mitchell
26 Certified Court Reporter and
27 Commissioner for the State of
28 Alabama at Large
29 ACCR No. 231 - Expires 9/30/14
30 MY COMMISSION EXPIRES 12/19/17